

THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

JOSE M. RIVERA-MOLINA,

Plaintiff

v.

UNITED STATES OF AMERICA,

Defendant.

Civil No. 20-1032 (ADC)
[Related to Crim. No. 15-162-011 (ADC)]

OPINION AND ORDER

Absent objections and upon review of the Magistrate Judge's Report and Recommendation at **ECF No. 7** ("R&R") and the full record, the R&R at **ECF No. 7** is hereby **ADOPTED**. See *M. v. Falmouth School Department*, 847 F.3d 19, 25 (1st Cir., 2017)(citing *Templeman v. Chris Craft Corp.*, 770 F.2d 245, 247 (1st Cir. 1985), cert. denied, 474 U.S. 1021, 106 S.Ct. 571, 88 L.Ed.2d 556 (1985))("Absent objection ... [a] district court has a right to assume that [the affected party] agree[s] to the magistrate's recommendation"); *Davet v. Maccarone*, 973 F.2d 22, 31 (1st Cir., 1992)("Failure to raise objections to the Report and Recommendation waives the party's right to review in the district court and those claims not preserved by such objection are precluded on appeal.").

Accordingly, petitioner's motion at **ECF No.1** for 28 U.S.C. § 2255 relief is **DENIED**.

Rule 11(a) of the Rules Governing § 2255 Proceedings provides that a “district court must issue or deny a certificate of appealability (“COA”) when it enters a final order adverse to the applicant.” Considering all the above, the Court **DENIES** the COA.

The Clerk of Court shall enter judgment accordingly.

SO ORDERED.

At San Juan, Puerto Rico, on this 11th day of January 2023.

S/AIDA M. DELGADO-COLÓN
United States District Judge